

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JANICE SHORTER,

:

:

Plaintiff

CIVIL ACTION NO. 3:16-1973

:

v.

(JUDGE MANNION)

:

CHARLES SAMUELS, JR., *et al.*,

:

Defendants

:

**ORDER**

On May 8, 2020, Judge Arbuckle issued a report and recommendation, **(Doc. 119)**, recommending that the February 24, 2020 motion for summary judgment filed on behalf of Bivens Defendants, **(Doc. 95)**, be denied. Also on February 24, 2020, plaintiff filed a motion to compel defendants to produce several documents. **(Doc. 96)**. It appears that Judge Arbuckle continued a hearing he scheduled on plaintiff's motion to compel and allowed additional briefing by the parties, (Doc. 116). The Judge also deferred deciding whether to re-schedule the hearing. However, a hearing was not re-scheduled and the judge has not yet ruled on the discovery motion. Nor is the motion addressed in the pending report. (Doc. 119). There appears to be several discovery requests of the plaintiff still at issue, (see Docs. 117 & 118), and Judge Arbuckle has been extensively involved in resolving the disputes.

As such, it is not clear if the motion to compel has been resolved or if plaintiff is seeking additional discovery from the defendants. Also, it is not clear if the resolution of the discovery disputes will have any effect on the defendants' pending motion for summary judgment.

Accordingly, **IT IS HEREBY ORDERED THAT:**

- (1)** This case is **RECOMMITTED** to Judge Arbuckle to decide plaintiff's motion to compel, **(Doc. 96)**, and the remaining discovery disputes.
- (2)** After plaintiff's motion to compel is decided, Judge Arbuckle shall determine whether the resolution of the discovery disputes has any effect on the defendants' pending motion for summary judgment.
- (3)** Judge Arbuckle shall then advise the court if any revisions to his pending report, (Doc. 119), are required.

s/ Malachy E. Mannion

**MALACHY E. MANNION**  
**United States District Judge**

**DATE: August 5, 2020**

16-1973-01